THE SUPREME COURT OF ESTONIA

Ius est ars boni et aequi

RIIGIKOHUS

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ESTONIAN COURT SYSTEM

The structure of the Estonian court system is one of the simplest in Europe. The first instance is comprised of **district courts** (4) and **administrative courts** (2), the second instance is comprised of **circuit courts** (2) and the third instance is the **Supreme Court**.

Judgments of the Supreme Court are final and not subject to appeal. If all possibilities for settling a legal dispute within Estonia have been exhausted, a separate appeal to the European Court of Human Rights may be filed. This court in Strasbourg, France, can establish whether the country has violated a person's fundamental rights, but it cannot annul judgments of Estonian courts. However, the judgment of the European Court of Human Rights may later be a basis for a review procedure in the Supreme Court.

The European Court of Justice in Luxembourg verifies the application of the European Union law, e.g. the European Court of Justice verifies whether a member state of the EU has fulfilled its obligations arising from the EU law. Estonian courts may request in the course of judicial proceedings a preliminary ruling from the European Court of Justice on how to interpret and apply the EU law.

THE SUPREME COURT
situated in Tartu

CIRCUIT COURTS
the Tallinn and the Tartu Circuit Court

DISTRICT COURTS
the Harju, the Pärnu, the Tartu and the Viru District Court

ADMINISTRATIVE COURTS
the Tallinn and the Tartu Administrative Court

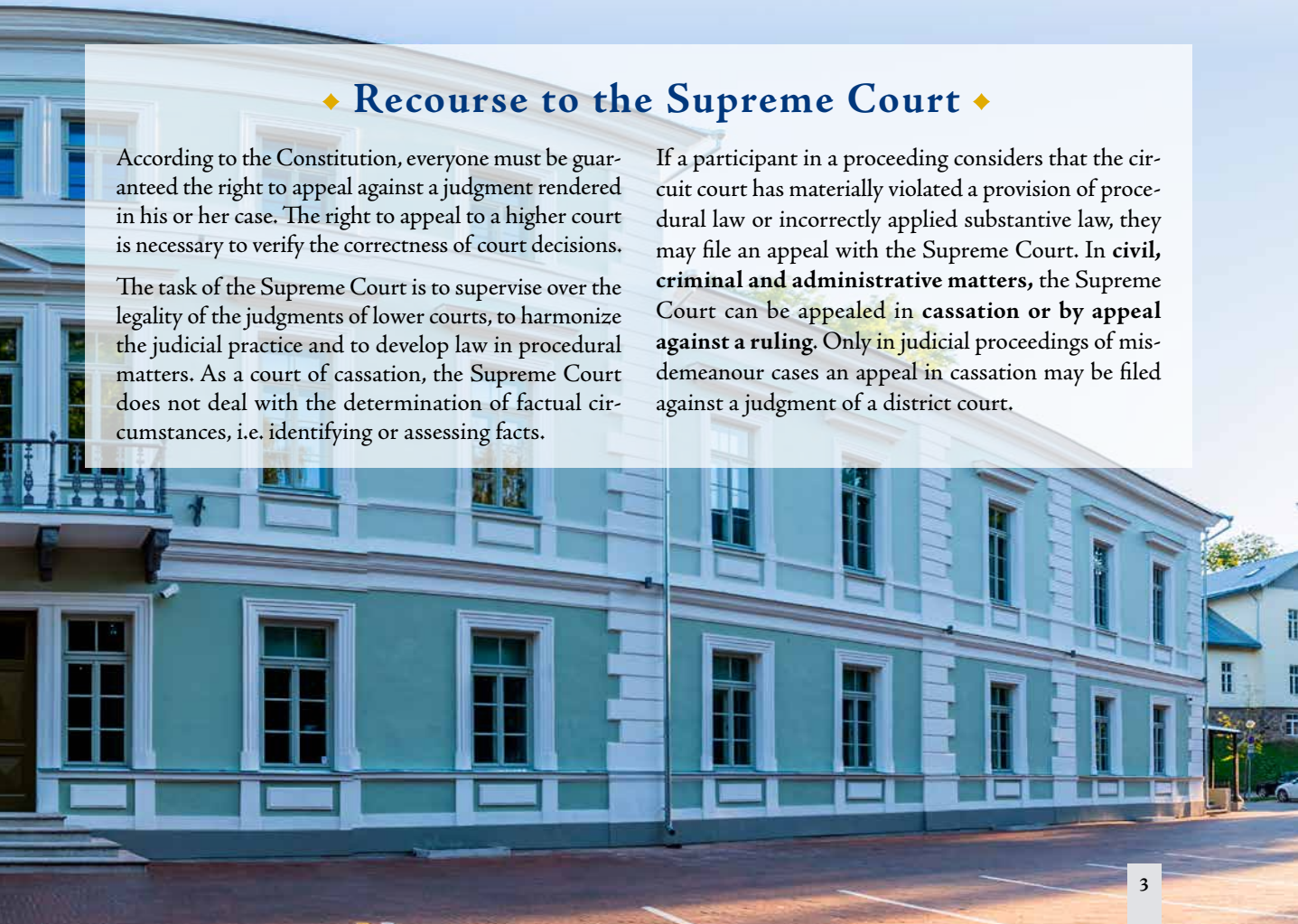
The building of the Supreme Court on Toome Hill, Tartu

THE SUPREME COURT OF ESTONIA

According to the Constitution of the Republic of Estonia, the Supreme Court is **the highest court in Estonia** and also the court of constitutional review, i.e. **the constitutional court**. The Supreme Court reviews court judgments by way of cassation proceedings.

The Supreme Court has 19 justices who administer justice in one of three Chambers: **the Civil Chamber, the Criminal Chamber** or **the Administrative Law Chamber.** The Supreme Court also contains the Constitutional Review Chamber.

In addition to the administration of justice, the Supreme Court has other duties under the Courts Act. For example, the Supreme Court *en banc* selects suitable people among the candidates who are proposed to be appointed as judges by the President of the Republic. The Supreme Court also assists in organizing the work of the self-governance bodies of judges (the General Assembly of Judges, the Council for Administration of Courts, the Judicial Training Council, the Judges' Examination Committee, the Disciplinary Chamber and the Judicial Ethics Council).



Recourse to the Supreme Court

According to the Constitution, everyone must be guaranteed the right to appeal against a judgment rendered in his or her case. The right to appeal to a higher court is necessary to verify the correctness of court decisions.

The task of the Supreme Court is to supervise over the legality of the judgments of lower courts, to harmonize the judicial practice and to develop law in procedural matters. As a court of cassation, the Supreme Court does not deal with the determination of factual circumstances, i.e. identifying or assessing facts.

If a participant in a proceeding considers that the circuit court has materially violated a provision of procedural law or incorrectly applied substantive law, they may file an appeal with the Supreme Court. In **civil, criminal and administrative matters,** the Supreme Court can be appealed in **cassation or by appeal against a ruling**. Only in judicial proceedings of misdemeanour cases an appeal in cassation may be filed against a judgment of a district court.

Submission of an appeal or petition

- Generally, appeals to the Supreme Court can only be filed through a lawyer. An appeal can only be filed personally in administrative matters and non-contentious civil matters.
- In both, civil and administrative cases, a state fee must be paid.
- It is possible to apply for state legal aid and procedural aid for filing an appeal or petition.

Refusal to proceed and returning an appeal

- An appeal in cassation or an appeal against a ruling must comply with **requirements**. If the requirements have been ignored, the Supreme Court may **refuse to proceed** with the appeal or petition or **return** it.
- It is usually refused to proceed with an appeal if it does not meet the requirements of procedural law. In such a case, the Supreme Court grants the petitioner a term for the rectification of the deficiencies.
- An appeal is **dismissed** and **returned** if the appeal is filed after the deadline for filing the appeal has passed; the appeal has been filed by a person who does not have such a right under procedural law; the person filing the appeal has not rectified the deficiencies of the appeal within the term granted or if the appeal has been withdrawn.

Deciding on an appeal

- Pursuant to the Courts Act, the acceptance for proceedings of appeals which fall within the jurisdiction of the Supreme Court shall be decided by a panel of at least **three members** of the Supreme Court on the basis provided for in law regulating judicial procedure. In addition, each matter is reviewed by a law clerk appointed by the Chamber to hear the matter, who makes a proposal concerning the acceptance of the matter for proceedings.
- An appeal in cassation is **refused** if there are no grounds for acceptance. Since the Supreme Court only adjudicates legal issues in cassation proceedings, pre-selection is necessary in order to avoid processing appeals in which, e.g., only the assessment of evidence or the finding of facts are challenged.
- A **ruling** is issued on the acceptance or refusal of an appeal for proceedings. The ruling does not state the reasons why the Supreme Court has accepted the appeal for proceedings or refused therefrom.
- If the Supreme Court refuses to accept an appeal in cassation or an appeal against a ruling or returns an appeal, **the judgment of the lower instance court shall enter into force**.

Procedure of revision

- Once the judgment has entered into force, it can no longer be contested other than through the procedure for revision. It is possible to petition for the revision of a court judgment that has entered into force by procedure for revision if a new material fact – that was not known at the time of making the judgment – becomes evident and, based on this, a different court judgment would probably have been made.

The data on the appeals, petitions and requests submitted to the Supreme Court and the results of their adjudication are made available to the public for a limited time on the website of the Supreme Court under the heading: *Menetlustaotlused* ("Procedural Requests").

APPEAL OR PETITION FOR REVISION IN THE SUPREME COURT

Each appeal, petition and request shall be assigned to a panel of the Court who shall hear it. First, the compliance of the appeal or petition with procedural law is examined. If necessary, it will be refused to proceed with an appeal or petition or it will be dismissed and returned in the cases provided for in law.

If necessary, the court may ask the other participants in the proceedings to respond.

A panel composed of three justices of the Chamber shall review the appeal or petition within a reasonable time.

The appeal is accepted for proceedings

If any of the three justices who have examined the appeal finds that there is a basis for accepting the appeal, it is accepted for proceedings. The matter is accepted for proceedings if:

- the positions expressed in the appeal suggest that the circuit court has applied substantive law incorrectly or materially violated a provision of procedural law and this could have led to an incorrect judgment;
- the adjudication of the appeal is of fundamental importance for guaranteeing legal certainty and developing uniform judicial practices or for the further development of law.

The appeal is refused to be accepted for proceedings

If the justices reviewing the appeal are unanimously convinced that the appeal is clearly unfounded and there are no grounds for accepting the appeal, it is not accepted for proceedings.

Proceedings in the Supreme Court

If an **appeal in a civil, criminal, misdemeanour or administrative matter** has been accepted for proceedings, it is generally heard by a three-member Court panel. To adjudicate the matter the Chairman of the Chamber shall appoint the panel at random, including the justice who shall report on the matter and ensure the hearing of the matter and the preparation of the decision, and a presiding justice. The Chairman of the Chamber shall also determine the time of hearing on the basis of the proposal of the justice who shall report on the matter.

As a rule, the Supreme Court adjudicates appeals **in written proceedings** and organizes no oral sessions.

An oral session is organized only if a participant in a proceeding has requested it or if the court deems it necessary.

In general, the Supreme Court shall verify the correctness of a judgment of a circuit court only to the extent that it was appealed. Based on the appeal, the Supreme Court shall verify whether the circuit court has followed the provisions of procedural law and correctly applied substantive law.

The procedure in the Supreme Court and the decision are based, above all, on the facts established by the judgment of the lower instance court. Generally, only disputes on the points of law take place in the Supreme Court and the Supreme Court itself does not collect or examine evidence or establish the factual circumstances serving as the basis of the appeal.

If the justices of the three-member panel hearing a matter have fundamentally dissenting opinions in the application of law or when it proves necessary to amend an opinion of the Chamber presented in an earlier decision, the matter shall be referred for adjudication to **the full panel** of the Chamber.

If, upon hearing a matter, a panel of the Supreme Court does not concur with an earlier opinion of another Chamber in the interpretation of law or with the position of a special panel provided in their latest court decision or if it is necessary for guaranteeing the uniform application of the law, the matter shall be referred for review by a special panel composed of members from up to three Chambers who have dissenting opinions.

A matter shall be referred for review by the **Supreme Court *en banc***, i.e. by all the justices of the Supreme Court, if it is considered necessary to adopt a different opinion in the application of law compared to what was expressed in a recent decision of the Supreme Court *en banc*; when the adjudication of the matter by the Supreme Court *en banc* is essential for the uniform application of the law; or when the Chamber or the specialized panel has reasonable doubts as to the constitutionality of the regulatory act, the refusal to issue such or an international treaty relevant in the adjudication of the matter.

Disagreements arising between the members of a panel hearing a case shall be settled by vote. Members of a panel do not have the right to abstain from voting or remain undecided. The justice who remained in the minority in the voting may present a reasoned **dissenting opinion** which shall be made public together with the decision.

With a decision, the Supreme Court may:

- deny an appeal and to amend a judgment of a lower instance court;
- annul a judgment of a lower instance court in whole or in part and refer the annulled judgment for a new hearing to the same or another court;
- annul a judgment of a lower instance court and terminate the proceedings;
- amend a judgment of a lower instance court or render a new judgment if there is no need to collect additional evidence or amend the analysis given to the evidence in the appeal proceedings;
- annul the judgment of a circuit court and leave the judgment of the first instance court in force;
- leave the judgment of the lower instance court in force, and change the legal reasoning only.

Annotations are prepared on decisions of the Supreme Court, the decisions are labelled and published on the website of the Supreme Court (www.riigikohus.ee/et/lahendid) and in the electronic *Riigi Teataja*.

Constitutional review proceedings

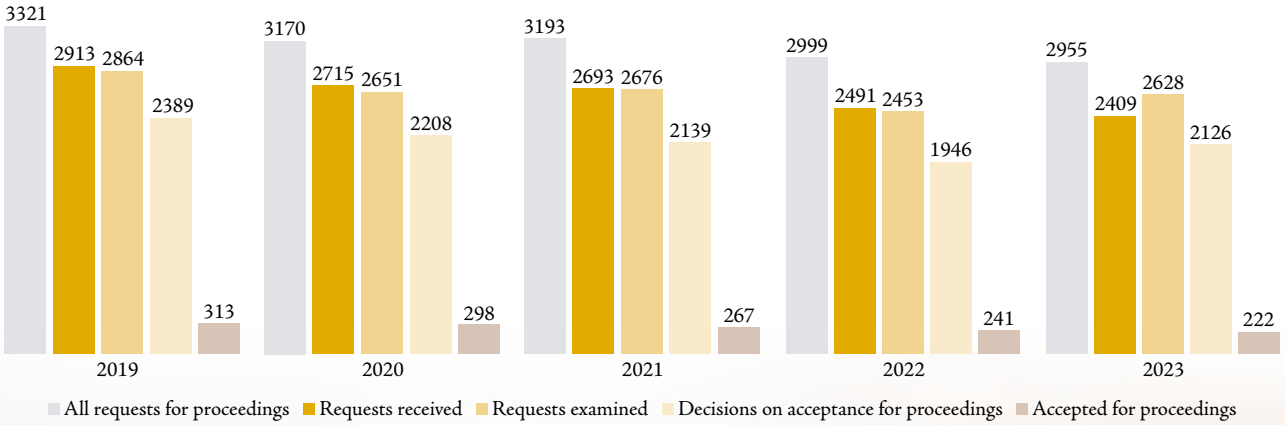
The Constitutional Review Chamber of the Supreme Court hears the following matters:

- requests to review the constitutionality of an international treaty, a legislative act or the failure to provide it;
- appeals and protests against the activities of the organizer of elections or the decisions and actions of the election committee;
- complaints against the decisions of the President of the Republic or the resolutions of the Board of the *Riigikogu*;
- requests for a position on how to interpret the Constitution in conjunction with European Union law;
- requests to terminate the mandate of a member of the *Riigikogu* or the activities of a political party.

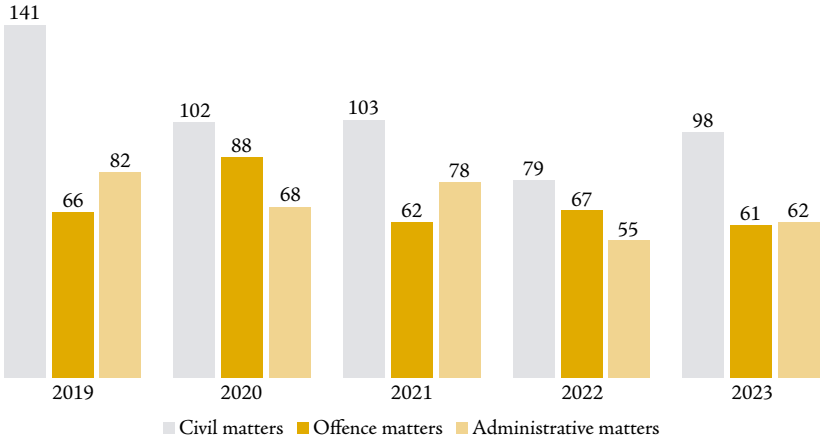
In addition, the Constitutional Review Chamber of the Supreme Court decides to either consent to the Chairman of the *Riigikogu*, acting as President of the Republic, being able to declare extraordinary elections to the *Riigikogu* or granting him the power to refuse from promulgating laws.

Procedural statistics

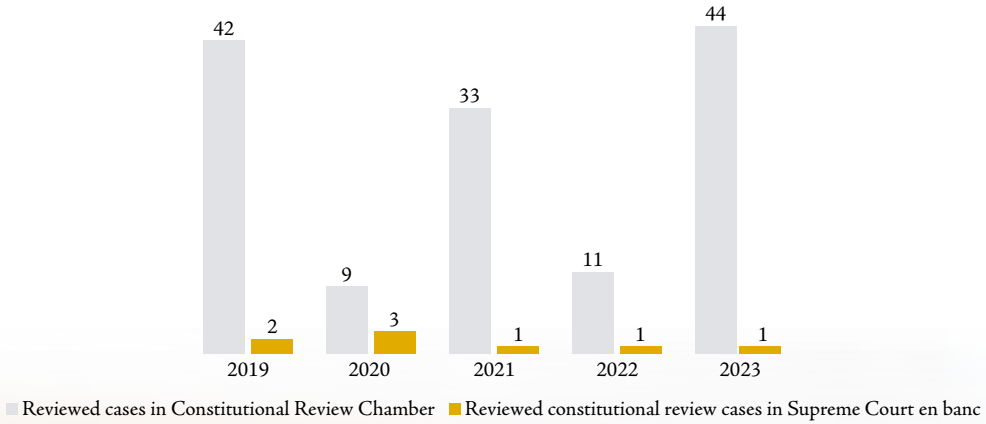
Statistical data characterizing the work of the Supreme Court is collected based on procedural requests submitted to the Supreme Court and matters reviewed. Data on reviewed cases and requests for proceedings are collected in three types of court proceedings: civil, administrative, and offence proceedings. In constitutional review proceedings, data is collected only on the matters reviewed. In terms of requests for proceedings, appeals in cassation, appeals against rulings and petitions for revision, petitions for state legal aid and procedural aid are considered.



Review of requests for proceedings at the Supreme Court, 2019–2023



Number of matters adjudicated by Chambers, 2019–2023



Review of constitutional review cases, 2019–2023

STRUCTURE OF THE SUPREME COURT

Chief Justice of the Supreme Court

Since 4 February 2019, the Chief Justice of the Supreme Court is *dr. iur.* Villu Kõve.

Villu Kõve was born on 26 August 1971 in Saaremaa. He is a graduate of the University of Tartu, Faculty of Law, where he also obtained a master's degree, and has furthered his education at the law faculties of German universities. Since 2009, he has held a PhD in law from the University of Tartu.

Villu Kõve has been working as a judge since 2002, when he took up the position of a member of the Supreme Court. In 2014, he became Chairman of the Civil Chamber of the Supreme Court. Before joining the judiciary, Villu Kõve worked as a sworn advocate.

The Chief Justice of the Supreme Court directs the work of the highest court in Estonia, also acting as the Chairman of the Constitutional Review Chamber. The role of Chief Justice reveals itself vividly when creating an overall picture of the administration of justice and court administration in the obligation imposed on him by the Courts Act to carry out for the Parliament each spring a review of the situation of administration of justice and court administration in the state the previous year. Chief Justice of the Supreme Court also chairs the work of the Council for the Administration of Courts and represents the Supreme Court in international relations.

Villu Kõve, the Chief Justice of the Supreme Court

According to the Courts Act, the Chief Justice of the Supreme Court is appointed to office by the *Riigikogu* on the proposal of the President of the Republic for nine years.

Justices of the Supreme Court

The Chief Justice of the Supreme Court shall announce a public competition for a vacant position of justice of the Supreme Court. Before the Chief Justice of the Supreme Court makes a proposal to the *Riigikogu* for appointment of a justice he shall consider the opinion of the Supreme Court *en banc* and the Council for Administration of Courts concerning a candidate. The *Riigikogu* appoints a justice for an indefinite term.

According to the law, the justice of the Supreme Court has to be a citizen of the Republic of Estonia who has obtained a master's level degree in law and is an experienced and recognised lawyer, is proficient in the Estonian language, is of high moral character and has the abilities and characteristics necessary for a justice.

Unlike the first and second instance judges, an aspiring justice does not have to pass the judge's examination.

CHIEF JUSTICE OF THE SUPREME COURT

Civil Chamber	Criminal Chamber	Administrative Law Chamber	Constitutional Review Chamber
7 justices	6 justices	5 justices	Chief Justice of the Supreme Court and 8 justices of the Supreme Court

Justices by Chambers

Civil, Criminal and Administrative Law Chambers

There are four Chambers in the Supreme Court: the Civil Chamber, the Criminal Chamber, the Administrative Law Chamber and the Constitutional Review Chamber. Every justice (except the Chief Justice of the Supreme Court) belongs either to the Civil, Criminal or Administrative Law Chamber. The chairman of the Chamber is elected by the Supreme Court *en banc* for a period of five years.

Justices are assisted in the preparation and review of cases by law clerks, consultants and secretaries. A law clerk must meet the educational requirements for a judge. The term of office of a law clerk is three years and may be extended.

Ivo Pilving, the Chairman of the Administrative Law Chamber

Kaupo Paal, the Chairman of the Civil Chamber

Saale Laos, the Chairman of the Criminal Chamber

Constitutional Review Chamber in 2020

Constitutional Review Chamber

The *ex officio* Chairman of the Constitutional Review Chamber is the Chief Justice of the Supreme Court. In addition to the Chief Justice of the Supreme Court there are eight justices of the Supreme Court in the Constitutional Review Chamber. Each year, on the proposal by the Chief Justice, the Supreme Court *en banc* appoints from among the justices of the Supreme Court two new members of the Constitutional Review Chamber and releases two most senior members from the duties of member of the Chamber. In this process, the Supreme Court *en banc* takes into account the opinions of the Administrative Law, the Criminal and the Civil Chambers and tries to ensure that they are represented in the Constitutional Review Chamber as equally as possible.

Supreme Court *en banc*

The Supreme Court *en banc* is the highest body of the Supreme Court, which is comprised of all 19 justices of the Supreme Court. The Supreme Court *en banc* is convened and chaired by the Chief Justice of the Supreme Court. The Supreme Court *en banc* has two kinds of functions.

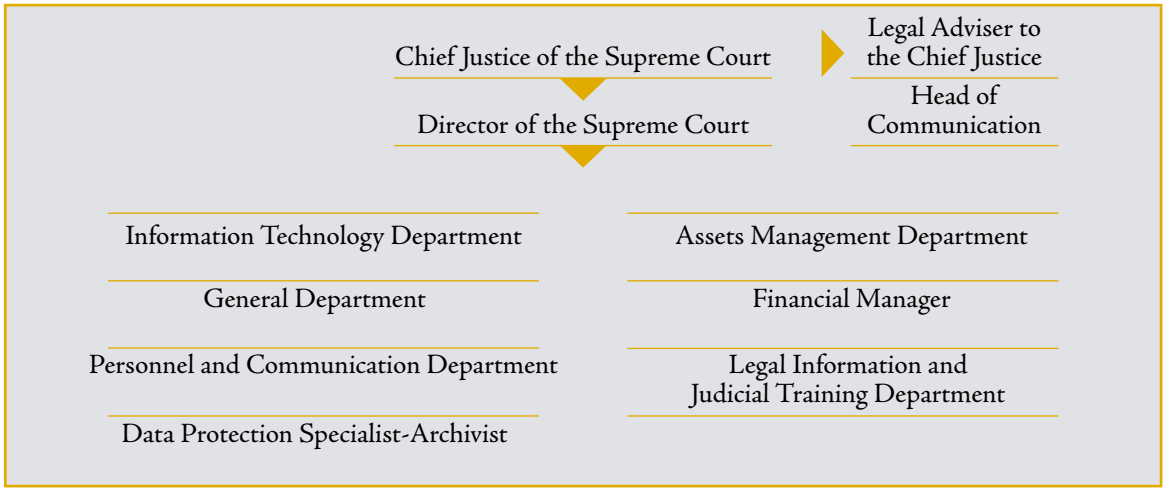
First, the functions of administration of justice:

- reviewing the Supreme Court *en banc* court decisions court decisions on the bases provided by law,
- resolving appeals filed against decisions of the judge's examination committee and the Disciplinary Chamber of Judges.

Second, the functions of court administration:

- making a proposal to the President of the Republic to appoint a judge of first or second instance to office or release a judge from office;
- deciding the commencement of disciplinary proceedings against the Chief Justice of the Supreme Court, and notifying the *Riigikogu* thereof;
- performing other duties arising from the law and the internal rules of the Supreme Court.

The Supreme Court en banc session in 2024



Supporting Departments of the Supreme Court

Other employees of the Supreme Court

In addition to the Chambers engaged in the administration of justice the Supreme Court has **five supporting departments: the General Department, the Personnel and Communication Department, the Assets Management Department, the Information Technology Department** and **the Legal Information** and **Judicial Training Department.** In addition, **the Director, the Legal Adviser to the Chief Justice, the Head of Communications, the Financial Manager** and **the Data Protection Specialist-Archivist** work at the Supreme Court.

The Director of the Supreme Court manages and organizes the administrative activities that support administering justice. Their task is to manage and coordinate the work of structural units and civil servants serving justice, prepare a budget and monitor its execution, organize the use and disposal of property, and appoint court officers whose appointment does not fall within the competence of the Chief Justice of the Supreme Court. The Supreme Court also has several tasks covering the whole court system, such as organizing the training of judges and keeping the staff records of judges.

Üllar Kaljumäe, the Director of the Supreme Court

The task of **the General Department** is to organize the administration of the Supreme Court, including storing information related to legal proceedings as well as extra-judicial proceedings, publication of court decisions and archiving documents.

The Personnel and Communication Department shapes and executes the personnel policy of the Supreme Court and keeps the records concerning the service of Estonian judges. Also, the department is responsible for the organization of internal and external communications – they assists journalists, handle the Supreme Court's website and social media accounts and provide information on visiting the Supreme Court.

The Assets Management Department manages the property held by the Supreme Court and organizes security services.

The Information Technology Department is responsible for the development of information and communication technology in the Supreme Court, determines the information security policy, controls the implementation of data security requirements at the Supreme Court and participates in the development and management of information systems.

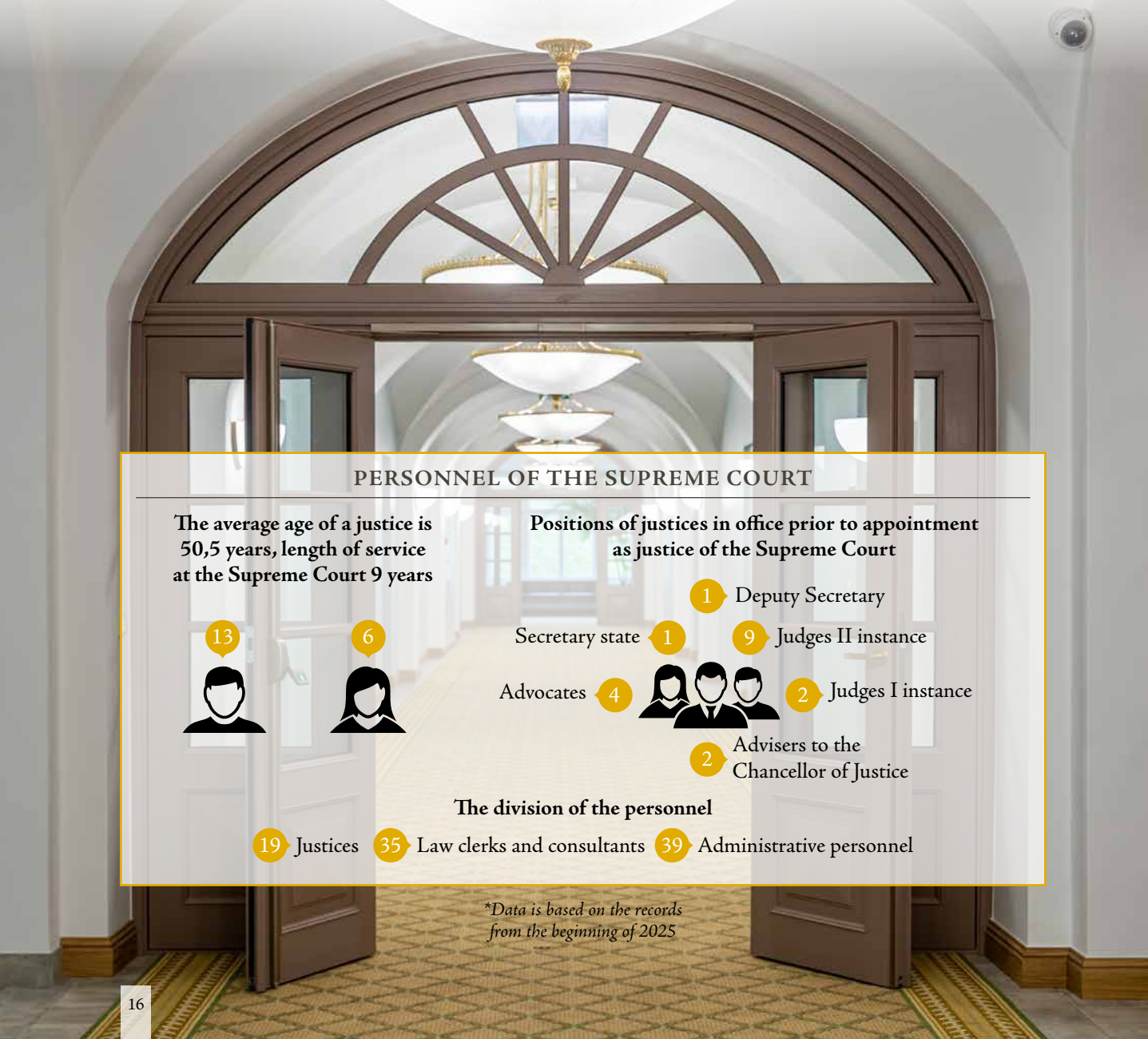
The Legal Information and Judicial Training Department is responsible for the systematisation, indexing and annotation of Supreme Court judgments and prepares summaries of judgments of the European Court of Human Rights and the Court of Justice of the European Union. The department prepares the reviews of the procedural statistics of the Supreme Court, co-ordinates the submission of positions on draft legislation and responds to inquiries sent to the Supreme Court within its competence. The department also assists the Judicial Training Council, ascertains the training needs of judges, prepares the training strategy and programme for judges and organizes the implementation thereof.

The Financial Manager organizes the accounting and financial reporting of the Supreme Court.

The task of the **Data Protection Specialist-Archivist** is to ensure that the Supreme Court's information management processes comply with the requirements of personal data protection, and to receive, organize, preserve the documents of the Supreme Court that are no longer involved in active administration and to transfer these to the public archives.

Heads of department consult and exchange experiences on a weekly basis

The Legal Adviser to the Chief Justice of the Supreme Court doesn't belong to a service department. His or her task is to advise the Chief Justice of the Supreme Court in ensuring the integral development of the judicial system and court administration, and to perform and mediate the duties received from the Chief Justice of the Supreme Court in managing the Court, as well as presiding over the General Assembly of Judges and the Council for the Administration of the Courts. The Adviser is also responsible for the international cooperation, he or she is coordinating relations with foreign courts and judicial associations.



PERSONNEL OF THE SUPREME COURT

The average age of a justice is 50,5 years, length of service at the Supreme Court 9 years

13 6

Positions of justices in office prior to appointment as justice of the Supreme Court

1 Deputy Secretary

Secretary state 1

9 Judges II instance

Advocates 4

2 Judges I instance

2 Advisers to the Chancellor of Justice

The division of the personnel

19 Justices

35 Law clerks and consultants

39 Administrative personnel

**Data is based on the records from the beginning of 2025*

JUDGES' SELF-GOVERNMENT AND THE SUPREME COURT

It is the duty of the Supreme Court as the highest court to promote the uniform application of laws through the review of court judgments. Besides the administration of justice the Supreme Court has the role of guaranteeing the proper functioning of the administration of justice in the entire court system, especially through the organisation of work of judges self-government bodies.

The self-government bodies of judges play an important role in the development of the court system through the decisions they take concerning the development of administration of justice and judicial system. The majority of the self-government bodies are clerically supported by the Supreme Court, the work of two such bodies – the General Assembly of Judges and Council for Administration of Courts – is directed by the Chief Justice of the Supreme Court.

General Assembly of Judges

The General Assembly of Judges is the largest judicial representative body, comprised of all Estonian judges. The General Assembly of Judges is convened at least once a year by the Chief Justice of the Supreme Court.

The Chief Justice of the Supreme Court or the Minister responsible for the sector may also convene it at other times on an extraordinary basis.

The General Assembly discusses the problems of administration of justice as well as other issues concerning courts and the work of judges. The General Assembly hears reports by the Chief Justice of the Supreme Court and the Minister responsible for the sector concerning the development of the legal and court system, elects members of judicial self-government bodies and representatives to the examination committees, professional suitability assessment committees and disciplinary committees of other legal professions.

The General Assembly has discussed issues such as the development of the judiciary, amendments to the Courts Act, the workload and feedback of judges, the openness of judicial proceedings and the implementation of digital solutions.

The General Assembly of Judges

The Chief Justice of the Supreme Court Villu Kõve

Council for Administration of Courts

The Council for Administration of Courts is an advisory body convened for the management of the court system. The most important decisions concerning the court system and relating to administration of courts are first discussed and approved by the Council for Administration of Courts.

Pursuant to the Courts Act the administration of courts must ensure the possibility for independent administration of justice, the working conditions necessary for administration of justice in the court system, adequate training of court officers and the accessibility of administration of justice in the state. Courts of first instance and courts of appeal are administered in co-operation between the Ministry of Justice and the Council for Administration of Courts. The Supreme Court as a constitutional institution administers itself.

The Council for Administration of Courts is comprised of the Chief Justice of the Supreme Court, five judges elected by the General Assembly of Judges for three years, two members of the *Riigikogu*, representatives of the Bar Association and the Prosecutor's Office, and the Chancellor of Justice or a representative appointed by him or her. The Minister responsible for the sector or a representative appointed by him or her participates in the Council with the right to speak. The Council is chaired by the Chief Justice of the Supreme Court.

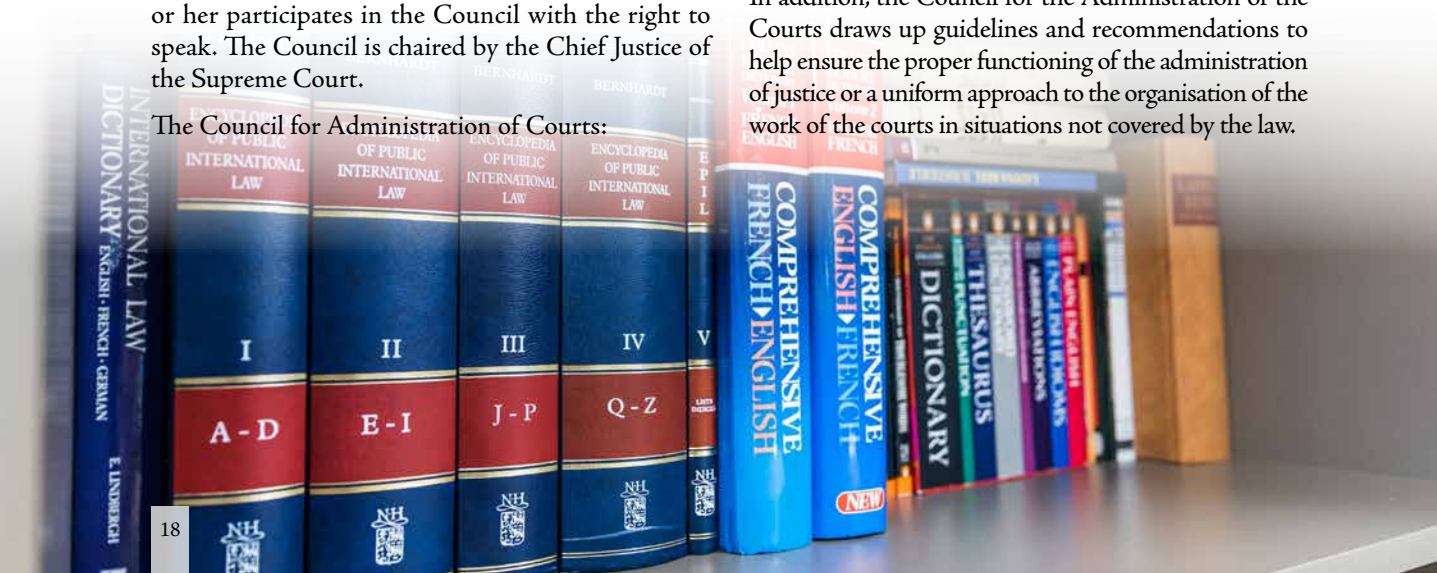
The Council for Administration of Courts:

- provide a preliminary opinion on the principles of the formation and amendment of annual budgets of court institutions prepared by the Minister responsible for the sector;
- provide an opinion on the candidates for a vacant position of a justice of the Supreme Court and in certain cases on the release of judges;
- deliberate, in advance, the review to be presented to the parliament by the Chief Justice of the Supreme Court concerning courts administration, administration of justice and the uniform application of the law.

Most important decisions of the Minister responsible for the sector which can be taken only on the approval of the Council for Administration of Courts are following:

- determination of the number of judges in the first and second instance courts;
- determination of the territorial jurisdiction, structure and exact location of first and second instance courts;
- the appointment to office and premature release of chairmen (presidents) of first and second instance courts.

In addition, the Council for the Administration of the Courts draws up guidelines and recommendations to help ensure the proper functioning of the administration of justice or a uniform approach to the organisation of the work of the courts in situations not covered by the law.



Judge's Examination Committee

The main duty of the judge's examination committee is the assessment of the legal knowledge and suitability of personal characteristics of candidates for a district, administrative or circuit court judge and a candidate's compliance with the requirements for judicial office.

The committee presents the results of the competition to the Supreme Court *en banc* who considers the opinion of the respective full court and makes the final selection and decides on making a proposal to the President of the Republic to appoint the judge.

The committee monitors the work of judges who have served less than three years by collecting opinions about them from the chairmen of courts. If the committee receives information that a judge who has served less than three years is unsuitable for office, the committee hears the judge before deciding on the judge's suitability for office. The committee also performs other duties arising from the law.

The Judge's Examination Committee has sixteen members and is appointed for three years. The committee includes four justices of the Supreme Court, four circuit court judges, four judges of the court of first instance, and a representative of the Faculty of Law of the University of Tartu, the Ministry of Justice, the Bar Association and the Prosecutor's Office.

The appointment of the judges of the court of first instance by President Alar Karis in 2023

Disciplinary Chamber of Judges

The Disciplinary Chamber of Judges is a judicial panel established at the Supreme Court under the Courts Act for the adjudication of disciplinary matters of judges. The Disciplinary Chamber consists of five justices of the Supreme Court, five circuit court judges and five judges of the court of first instance.

A disciplinary offence is a wrongful act of a judge, which may consist of failure to perform or inappropriate performance of official duties or the committing of an indecent act.

Disciplinary proceedings are initiated against a judge if their activity bears the characteristics of a disciplinary offense. According to the Courts Act, this right to commence proceedings has been granted to the Chief Justice of the Supreme Court and the Chancellor of Justice with respect to all judges, the Chairman of the Circuit Court with regard to the judges of the district and administrative courts in their territorial jurisdiction, and all chairmen of a court with respect to the judges of the same court. The Supreme Court *en banc* has the competence to initiate disciplinary proceedings against the Chief Justice of the Supreme Court.

The Disciplinary Chamber hears disciplinary matters at a five-member panel consisting of three justices of the Supreme Court, one circuit court judge and one district or administrative court judge. If a judge is found guilty of committing a disciplinary offense, the panel shall impose a disciplinary penalty on the judge, which may be a reprimand, a fine of up to one month's salary, a reduction of salary or removal from office. The panel of the Disciplinary Chamber may remove a judge from office for the duration of the disciplinary proceedings and reduce the judge's salary up to a half for the same period.

Judicial Training Council

The Judicial Training Council is responsible for the functioning and development of the training of judges – the council approves the strategies for training judges, the annual training programmes and the programme for judge's examination.

The Judicial Training Council consists of two judges of a court of first instance, two judges of a circuit court, two justices of the Supreme Court, and a representative of the University of Tartu, the Prosecutor's Office, the Ministry of Justice and the Bar Association.

The training courses mainly deal with legal questions and skills. The Supreme Court analyses training results, ensures the preparation of necessary instructional and methodological materials, assists in the preparation and selection of training providers, implements the judge training programme approved by the Judicial Training Council, and prepares an annual review concerning the training of judges for the Training Council.

In addition to local training, judges can participate in training courses abroad organized by the European Judicial Training Network (EJTN) and in judges' exchange programmes through the Supreme Court. Within the framework of the EJTN exchange programmes, judges learn about the judicial systems of other Member States and visit different EU institutions.

Judicial Ethics Council

The Judicial Ethics Council is an advisory body to the judiciary, the purpose of which is to assist judges in solving ethical dilemmas arising in their daily lives and work. Judges can turn to the Judicial Ethics Council for an opinion on issues that concern them. In addition, the Ethics Council has the authority to formulate general ethical recommendations at its own initiative or at the request of judges.

To ensure that the judiciary benefits from the work of the Ethics Council as a whole, the Council's opinions and recommendations are published on the Supreme Court's website, ensuring the anonymity of the petitioner and other persons concerned. As the role of the Judicial Ethics Council is to advise judges, the Council's opinions and recommendations are not binding.

The Judicial Ethics Council consists of five judges elected by The General Assembly of Judges and may include emeritus judges. In addition, the Council may also involve ethics experts in its work. The Supreme Court represents the Estonian court system in several international cooperation networks.

"Courts defend people's rights and the rule of law."

INTERNATIONAL COOPERATION

The Supreme Court represents the Estonian court system in several international cooperation networks.

- Network of the Presidents of European Supreme Judicial Courts of the European Union
- Association of Councils of State and Supreme Administrative Jurisdictions of the European Union, ACA-Europe
- Conference of European Constitutional Courts, CECC
- World Conference of Constitutional Justice, WCCJ
- Venice Commission
- European Judicial Training Network, EJTN
- Superior Courts Network, SCN
- Judicial Network of the European Union, JNEU
- International Association of Supreme Administrative Jurisdictions, AIHJA/IASAJ
- U Forum of Judges for the Environment

In addition, the Supreme Court participates in annual meetings with the supreme and constitutional courts of the Baltic States. There are also regular cooperation meetings with Finnish and Ukrainian counterparts.

The aim of international communication of the Supreme Court is particularly:

- to exchange experience with justices of other countries;
- to adapt the gained comparative knowledge in the everyday work of justices – both in the administration of justice as well as in the fields supporting the
- administration of justice, for example in training of justices;
- to introduce the Estonian court system.

Annual Trilateral Meeting of the Baltic Constitutional Courts in 2022

HISTORY OF ESTONIA'S COURT SYSTEM AND OF THE SUPREME COURT

Creation of court system 1918–1920

On 24 February 1918 the "Manifesto to all Peoples of Estonia" of the Board of Elders of the Estonian Provisional Land Council, declaring Estonia's sovereignty, was published. The Manifesto declared the principles on which the democratic republic was to be built.

Section 1 of the Manifesto stated the following: "All citizens of the Republic of Estonia irrespective of their religion, nationality and political views shall enjoy equal protection before the laws and the court of the Republic." Section 4 of the Manifesto required that the Provisional Government "[…] immediately set up courts for the protection of security of the citizens".

On 18 November 1918 the Provisional Government issued a regulation entitled "Establishment of provisional courts" which was the first piece of legislation of the Estonian state concerning the courts.

In November 1918 a national court of appeal commenced its activities in Tallinn. Pursuant to the order of the then Minister of Justice Jüri Jaakson, all courts on the territory of the Republic of Estonia were to commence work on 2 December 1918.

Jaak Reichmann

Jüri Jaakson

Kaarel Parts

During 1918–1920 Jüri Jaakson was the Minister of Justice of the Provisional Government and of the Government of the Republic.

On 13 November 1918, Jaak Reichmann who was appointed the first Chairman of the Court of Appeal became the first judge of the sovereign Estonian state appointed to office by the Provisional Government.

On 21 October 1919 the Constituent Assembly passed the Supreme Court Act which – in conjunction with the Constitution of 1920 – laid a strong legal foundation for the highest court at the top of the judicial system of the Estonian state.

The Constituent Assembly elected the first members of the Supreme Court in October 1919. The former Chairman of the Provincial Assembly and a member of the Constituent Assembly Kaarel Parts was elected the Chief Justice, Paul Beniko, Rein Koemets, Jaan Lõo, Hugo Reiman, Martin Taevere and Peeter Puusepp were elected members of the court. The Supreme Court of that time comprised a total of 11 justices.

The Constituent Assembly declared Tartu as the seat of the Supreme Court. The highest court was established in Tartu with the hope of achieving its greater independence from the other branches of the state power, better contact with the legal scholars of the University of Tartu, better possibilities of making use of the University library and greater accessibility for the population.

The first court session of the Supreme Court was held in the assembly hall of the Tartu Town Hall on 14 January 1920.

Estonia's courts 1920–1939

By 1920 the court system had formally been launched. The court system then had three instances, like today, but it had four links. The justices of the peace or the magistrates constituted the first link of the then court system. The appellation instances of the justices of the peace were the Commissions of the Peace, later known as circuit courts. The third link was the national Court of Appeal – the Kohtupalat, later the Kohtukoda. The Supreme Court formed the fourth link. All courts functioned as courts of first instance in regard to certain cases.

Pursuant to the law the Supreme Court was first and foremost a court of cassation. There were three departments in the court; the highest body was the Court *en banc*.

The Civil Department of the Supreme Court heard appeals in cassation against the judgments of the National Court of Appeal (Kohtupalat) and appeals against judgments of the Commission of the Peace (rahukogud) as the courts of second instance.

The Criminal Department was competent to hear appeals and protests in cassation against the judgments of the National Court of Appeal and the Commission of the Peace in criminal matters. The department was also the highest military court. Cassation proceedings were allowed in all civil and criminal matters, there were almost no restrictions.

The Administrative Department of the Supreme Court was the highest administrative court. The Supreme Court was the first and the last instance which reviewed complaints against the decisions, orders and failures to act of ministries and other higher administrative agencies. It was also possible to submit appeals for revision of and protests against the judgments of the Commission of the Peace and justices of the peace in administrative matters.

The following were within the competence of the Supreme Court *en banc*:

- administration of the lower courts;
- appointment to and release from office of judges;
- unification of judicial practice.

In the interest of guaranteeing uniform interpretation of the law the Supreme Court *en banc* and the Departments could give binding interpretations of laws. These were published for general information in the Riigi Teataja (the State Gazette) and in law journal Õigus (The Law).

The Supreme Court comprised the State Prosecutor's Office, headed by a prosecutor of the Supreme Court.

The 1933 Amendment of the Constitution Act and the Constitution of 1938 placed the appointment to and release from office of judges within the competence of the Head of State.

By the decree of the Prime Minister of 1934 the Supreme Court was transferred from Tartu to Tallinn. The location of the Supreme Court has been associated from the beginning with the issue of the independence of the judicial power, but in 1934 there was no room for a debate. In 1935 the Supreme Court started its work in Wismari Street, Tallinn.

The first Supreme Court building in Vanemuise street, Tartu (1920–1935)

The Supreme Court building in Wismari street, Tallinn (1935–1940)

Reorganisation of Estonia's court system in 1940

The Bases Agreement of 1939 and the developments of the first half of 1940 brought about changes in the court system. In the summer of 1940 the power to appoint and release judges was taken from the President of the Republic and was vested in the Council of People's Commissars. The new government actively started to release from office and arrest judges.

On 16 November 1940 the Presidium of the Provisional Supreme Council of the Estonian Soviet Socialist Republic passed a decree on reorganisation of the judicial system.

On 29 December 1940 a directive on the termination of the activities of the Supreme Court was signed. Only two days later the then Supreme Court held its last session.

It is known that in 1940 justices Peeter Kann, Paul Välbe and Aleksander Hellat were arrested. Kaarel Parts died of an illness on 5 December 1940. Paul Poom died in 1982 in Sweden as the last justice of the then Supreme Court.

In 1940, when the Supreme Court was liquidated, 52 years remained until the appointment of the new Chief Justice and 53 years until the re-opening of the Supreme Court in Tartu.

In 1940 and 1941 the judges of lower instance courts were relocated, some were released from office forever.

The magistrates and circuit courts were maintained. The Kohtukoda was transformed into the High Court of the Estonian Soviet Socialist Republic.

Re-establishment of court system 1990–1993

On 16 May 1990 the Supreme Council of the Republic of Estonia adopted the Principles of Temporary Procedure of Estonian Government Act, putting an end to the subjection of the Supreme Court of Estonia to the Supreme Court of the Union of Soviet Socialist Republics. The administration of justice on Estonian territory was separated from the judicial power of the USSR and was given into the sole competence of Estonian courts.

Late in the evening of 20 August 1991 the Supreme Council of the Republic of Estonia passed a resolution "on the independence of the Estonian State and on the formation of the Constitutional Assembly", by which the independent Republic of Estonia was restored.

A few months later, in October, the Supreme Council of the Republic of Estonia passed the Republic of Estonia Courts Act and the Status of Judges Act. The referred Acts were passed to resolve the issues related to the judicial office and functioning of the court system. These Acts were the foundation for the creation of a three-level court system. The next important step was taken in the spring of 1992 when the Supreme Council decided to reform the judicial system.

The main organisational task of that time was to find new people to perform the judicial tasks. For example, in 1993 there were 120 vacant judicial offices in the court system. However, the filling of the vacant offices proved easier than expected.

The foundations for the restoration of the activities of the Supreme Court were laid by the Constitution of the Republic of Estonia, adopted by a referendum on 28 June 1992. The Constitution vested with the Supreme Court the functions of a court of cassation and of a court of constitutional review. Tartu became the seat of the Supreme Court once again.

The first public session of the newly re-established Supreme Court took place on 27 May 1993 in the assembly hall of the Tartu Town Hall. The President of the Republic Lennart Meri and the former secretary of the Administrative Department of the Supreme Court Robert Tasso participated as guests of honour.

From 1992 to 1998 the Chief Justice of the Supreme Court was Rait Maruste.

Estonia's courts since 1993

On 19 June 2002 a new Courts Act, which entered into force on 29 July 2002, was passed. Compared to the previous version a very important change introduced by the Act was the establishment of the Council for Administration of Courts. The aim of establishing the Council was to involve the judges of all court instances in making decisions concerning the whole judicial system, as up to then it was only the Ministry of Justice who had governed the first and second court instances. The creation of the Council for Administration of Courts was an important step forward in the formation of an integral and independent court system as referred to in the Constitution.

On 1 May 2004 Estonia acceded to the European Union. Estonian courts became the courts of the European Union and Estonian judges became European judges who, in their daily work, resort also to the European legislation alongside the Estonian law.

The Amendment Act of the Courts Act and other Acts for Merging the Jurisdictions of Courts, which entered into force on 1 January 2006, merged the existing 16 district and city courts into four district courts and the four former administrative courts into two administrative courts. The reform concerned the organizational structure of the judiciary, meaning that all courts remained in their existing locations and were renamed as courthouses. Combining the jurisdictions of the courts provided an opportunity to balance the workload of the courts and allowed for the specialization of judges.

In 2008, the number of courts of appeal was changed and only the circuit courts of Tallinn and Tartu continued as circuit courts of appeal. The former Viru Circuit Court was closed and areas that previously fell under its jurisdiction were transferred to the Tartu Circuit Court.

In 2013, an amendment to the Courts Act entered into force, according to which the position of a judicial clerk was added to the list of court officers. The position of judicial clerks was created to replace the existing consultants. A judicial clerk is a court official who participates in the preparation for proceeding and in proceeding of cases. The goal is to achieve the situation where each judge has at least one judicial clerk to assist them.

2023 was a significant milestone – civil and administrative cases were finally transferred to paperless court proceedings.

Ius est ars boni et aequi –
The law is the art of goodness and equity
(Celsus)

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